

REMARKS

Claims 1-18 are pending in this application. Claim 1 is the sole independent claim. Claims 1, 7, 10, and 18 are amended. Reconsideration and allowance of the present application are respectfully requested.

Applicant also respectfully notes that the present action does not indicate that the original drawing sheets (filed December 23, 2005) have been accepted by the Examiner. Applicant respectfully requests that the Examiner's next communication include an indication as to the acceptability of the filed drawings or as to any perceived deficiencies so that the Applicant may have a full and fair opportunity to submit appropriate amendments and/or corrections to the drawings.

Applicant appreciates the Examiner's acknowledgement and receipt of the certified priority documents.

Specification

The Examiner objects to the abstract of the disclosure, as the Examiner indicates that proper language and format of the abstract should be used. Specifically, the Examiner indicates that the language of the abstract should be clear and concise and should not repeat information given in the title. The Examiner further asserts that phrases which can be implied, such as, "the disclosure concerns," "the disclosure defined by this invention," and "the disclosure describes" should not be used. Applicant therefore amends the abstract of the disclosure in accordance with the Examiner's guidelines.

Claim Objections

The Examiner objects to claim 1 because in line 1, the phrase “to move one a ground” is written awkwardly. The Examiner considers “one” to read as “on.” The Examiner objects to claims 10 and 18 because the phrase “at least one of manuals, pneumatically” is unclear. The Examiner considers “at least one of manuals, pneumatically” to read as “at least one of manually and pneumatically.”

Applicant amends claims 1, 10, and 18 in accordance with the Examiner’s objections. Applicant therefore respectfully requests that the Examiner remove these claim objections.

Rejections under 35 U.S.C. §112

Claim 7 stands rejected under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

With regard to claim 7, the Examiner asserts that the phrase “such as” renders the claim indefinite. Applicant therefore amends claim 7 to remove this phrase. Therefore, Applicant respectfully requests that the rejections of this claim under 35 U.S.C. §112 be withdrawn.

Rejections under 35 U.S.C. §102 – Matousek

Claims 1-4 and 11-13 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,797,793 (“Matousek”). This rejection is respectfully traversed.

With regard to independent claim 1, the Examiner asserts that Matousek discloses all of the claim limitations. Applicant asserts that Matousek does not

disclose “a wind deflector, positioned adjacent to the spreader at a point upstream of the discharge of the spreading nozzle, relative to a direction of movement of the spreader, the wind deflector extending generally laterally away from the spreader, the wind deflector, upon movement of the spreader preventing headwinds and/or lateral winds from affecting the spreading of the crop residues across the spreading width,” as recited in claim 1. Applicant draws the Examiner’s attention to at least FIGS. 5 and 7 of Matousek which disclose an asserted “wind deflector” 154 shown attached to the lateral sides of the asserted “spreader” 66. Applicant submits that “wind deflector” 154 is attached to “spreader” 66 at a point that is downstream of the discharge of discharge outlet 50. For at least this reason, Applicant asserts that Matousek does not disclose “a wind deflector, positioned adjacent to the spreader at a point **upstream** of the discharge of the spreading nozzle, relative to a direction of movement of the spreader,” as recited in claim 1.

For at least the reasons stated above related to independent claim 1, Applicant asserts that this claim is patentable. Due at least to the dependence of claims 2-4 and 11-13 on claim 1, Applicant also asserts that these claims are patentable. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §102 be withdrawn.

Rejections under 35 U.S.C. §103 – Matousek by itself, or in view of various combinations of Van Der Lely, Halford, and Pearson

Claims 5, 6, 10, 15, 16, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Matousek as applied to claim 1 above, and further in view of U.S. Patent 3,478,499 (“Van Der Lely”). Claims 7, 14, and 17 stand rejected under 35

U.S.C. §103(a) as being unpatentable over Matousek and Van Der Lely as applied to claims 5 or 6 above, and further in view of U.S. Patent 5,021,030 ("Halford"). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Matousek. Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Matousek as applied to claim 8 above, and further in view of U.S. Patent 3,145,519 ("Pearson"). This rejection is respectfully traversed.

The Examiner uses Van Der Lely in order to teach that it is old and well known in the harvesting art for an implement comprising two sections to be pivotally connected to a combine harvester and controlled jointly between an operative position, wherein the sections project laterally, in a position of rest and transportation. The Examiner uses Halford to teach the use of ground supports to provide support to a spreader of a combine harvester. The Examiner uses Pearson to disclose that it is old and well known in the harvesting art for a deflector to comprise three sections that form a funnel like, hood shaped configuration. With regard to independent claim 1, Applicant asserts that the claim is patentable over Matousek for at least the reasons stated above. Applicant asserts that a review of Van Der Lely, Halford, and Pearson, indicates that neither of these references, either singly or in combination with each other, remedy the deficiencies of Matousek as stated above. For at least these reasons, Applicant asserts that independent claim 1 is patentable over any and all combinations of Matousek, Van Der Lely, Halford, and Pearson.

For at least the reasons stated above related to independent claim 1, Applicant asserts that this claim is patentable. Due at least to the dependence of claims 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, and 18 on claim 1, Applicant also asserts that these claims

are patentable. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §103 be withdrawn.

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CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

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Attachment: Revised Abstract